

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT STRIDIRON,
Plaintiff,

- against -

PARIKH WORLDWIDE PUBLIC RELATIONS LLC
Defendant.

Docket No. 1:17-cv-10060

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Robert Stridiron (“Stridiron” or “Plaintiff”) by and through his undersigned counsel, as and for his Complaint against Defendant Parikh Worldwide Public Relations LLC (“Parikh” or “Defendant”) hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of a copyrighted photograph of an Ozone Park fire, owned and registered by Stridiron, a New York based professional photographer. Accordingly, Stridiron seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

JURISDICTION AND VENUE

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This Court has personal jurisdiction over Defendant because Defendant resides in and/or transacts business in New York.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

PARTIES

5. Stridiron is a professional photographer in the business of licensing his photographs to online and print media for a fee having a usual place of business at 78-28 88th Road, Woodhaven, New York 11421.

6. Upon information and belief, Parikh is a domestic limited liability company organized and existing under the laws of the State of New York, with a place of business at 115 West 30th Street, Suite 1206, New York, New York 10001. Upon information and belief, Parikh is registered with the New York Department of Corporations to do business in New York. At all times material hereto, Parikh has owned and operated a website at the URL: www.NewsIndiaTimes.com (the “Website”).

STATEMENT OF FACTS

A. Background and Plaintiff’s Ownership of the Photograph

7. Stridiron photographed an Ozone Park fire (the “Photograph”). A true and correct copy of the photograph is attached hereto as Exhibit A.

8. Stridiron is the author of the Photograph and has at all times been the sole owner of all right, title and interest in and to the Photograph, including the copyright thereto.

9. The Photograph was registered with United States Copyright Office and was given Copyright Registration Number VA 2-076-476

B. Defendant’s Infringing Activities

10. On September 26, 2017, Parikh ran an article on the Website entitled *Indian American landlord dies in Queens fire*. See <http://www.newsindiatimes.com/indian-american-landlord-dies-in-queens-fire>. The article prominently featured the Photograph. A true and correct

copy of the article with the Photograph and a screen shot of the article with the Photograph are attached hereto as Exhibit B.

11. Parikh did not license the Photograph from Plaintiff for its article, nor did Parikh have Plaintiff's permission or consent to publish the Photograph on its Website.

CLAIM FOR RELIEF
(COPYRIGHT INFRINGEMENT AGAINST PARIKH)
(17 U.S.C. §§ 106, 501)

12. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-11 above.

13. Parikh infringed Plaintiff's copyright in the Photograph by reproducing and publicly displaying the Photograph on the Website. Parikh is not, and has never been, licensed or otherwise authorized to reproduce, publically display, distribute and/or use the Photograph.

14. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

15. Upon information and belief, the foregoing acts of infringement by Parikh have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.

16. As a direct and proximate cause of the infringement by the Defendant of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages and Defendant's profits pursuant to 17 U.S.C. § 504(b) for the infringement.

17. Alternatively, Plaintiff is entitled to statutory damages up to \$150,000 per work infringed for Defendant's willful infringement of the Photograph, pursuant to 17 U.S.C. § 504(c).

18. Plaintiff further is entitled to his attorney's fees and full costs pursuant to 17 U.S.C. § 505.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant Parikh be adjudged to have infringed upon Plaintiff's copyrights in the Photograph in violation of 17 U.S.C §§ 106 and 501;
2. That, with regard to the First Claim for Relief, Plaintiff be awarded either: a) Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Photograph; or b) alternatively, statutory damages of up to \$150,000 per copyrighted work infringed pursuant to 17 U.S.C. § 504;
3. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
4. That Plaintiff be awarded her costs, expenses and attorneys' fees pursuant to 17 U.S.C. § 505;
5. That Plaintiff be awarded pre-judgment interest; and
6. Such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York
December 23, 2017

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